

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dieter DORSCH et al.

Examiner: Anderson, Rebecca

Serial No.: 10/567,848

Group Art Unit: 1626

Filed: 10 February 2006

Title: PROCESS FOR THE PREPARATION OF N-ARYLMORPHOLINONES

RESPONSE TO REQUIREMENT FOR ELECTION AND RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Requirement for Election and Restriction mailed 3 February 2008, Applicants hereby elect Group I, claims 1-14, drawn to a process of preparing formula I. As a single species, Applicants elect 4-(4-nitrophenyl)-3-oxomorpholine, see the specification at page 12, line 34. The requirement for Election and Restriction is respectfully traversed.

Groups I-III relate to intermediate compounds of formula III and are essential precursors or final products. It is respectfully submitted that the claims of Group II and Group III, which are drawn to formula III and a process for preparing formula III, should be maintained in a single application, as explained in PCT rule 13.2.

Accordingly, it is respectfully submitted that unity of invention exists as to groups I, II and III, and withdrawal of the Requirement Restriction in this aspect is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,
/Anthony J. Zelano/

Anthony Zelano, Reg. No. 27,969
Attorney for Applicant(s)

/Jennifer Branigan/

Jennifer Branigan, Reg. No. 40,921
Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-3121
Date: March 3, 2009